

SECOND REGULAR SESSION

SENATE BILL NO. 803

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3943S.011

AN ACT

To repeal section 313.805, RSMo, and to enact in lieu thereof one new section relating to powers of the Missouri gaming commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 313.805, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 313.805, to read as follows:

313.805. The commission shall have full jurisdiction over and shall
2 supervise all gambling operations governed by sections 313.800 to 313.850. The
3 commission shall have the following powers and shall promulgate rules and
4 regulations to implement sections 313.800 to 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of
6 applicants for a license and to select among competing applicants for a license the
7 applicant which best serves the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of
9 gambling games within such boats, to identify occupations within the excursion
10 gambling boat operations which require licensing, and adopt standards for
11 licensing the occupations including establishing fees for the occupational licenses
12 and to license suppliers;

13 (3) To adopt standards under which all excursion gambling boat
14 operations shall be held and standards for the facilities within which the
15 gambling operations are to be held. Notwithstanding the provisions of chapter
16 311, RSMo, to the contrary, the commission may authorize the operation of
17 gambling games on an excursion gambling boat which is also licensed to sell or
18 serve alcoholic beverages, wine, or beer. The commission shall regulate the
19 wagering structure for gambling excursions including providing a maximum loss
20 of five hundred dollars per individual player per gambling excursion;

21 (4) To enter the premises of excursion gambling boats, facilities, or other
22 places of business of a licensee within this state to determine compliance with
23 sections 313.800 to 313.850;

24 (5) To investigate alleged violations of sections 313.800 to 313.850 or the
25 commission rules, orders, or final decisions;

26 (6) To assess any appropriate administrative penalty against a licensee,
27 including, but not limited to, suspension, revocation, and penalties of an amount
28 as determined by the commission up to three times the highest daily amount of
29 gross receipts derived from wagering on the gambling games, whether
30 unauthorized or authorized, conducted during the previous twelve months as well
31 as confiscation and forfeiture of all gambling game equipment used in the conduct
32 of unauthorized gambling games. Forfeitures pursuant to this section shall be
33 enforced as provided in sections 513.600 to 513.645, RSMo;

34 (7) To require a licensee, an employee of a licensee or holder of an
35 occupational license to remove a person violating a provision of sections 313.800
36 to 313.850 or the commission rules, orders, or final orders, or other person
37 deemed to be undesirable from the excursion gambling boat or adjacent facilities;

38 (8) To require the removal from the premises of a licensee, an employee
39 of a licensee, or a holder of an occupational license for a violation of sections
40 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

41 (9) To require all licensees to file all financial reports required by rules
42 and regulations of the commission;

43 (10) To issue subpoenas for the attendance of witnesses and subpoenas
44 duces tecum for the production of books, records, and other pertinent documents,
45 and to administer oaths and affirmations to the witnesses, when, in the judgment
46 of the commission, it is necessary to enforce sections 313.800 to 313.850 or the
47 commission rules;

48 (11) To keep accurate and complete records of its proceedings and to
49 certify the records as may be appropriate;

50 (12) To ensure that the gambling games are conducted fairly. No
51 gambling device shall be set to pay out less than eighty percent of all wagers;

52 (13) To require all licensees of gambling game operations to use a cashless
53 wagering system whereby all players' money is converted to physical or electronic
54 tokens, electronic cards, or chips which only can be used for wagering on the
55 excursion gambling boat;

56 (14) To require excursion gambling boat licensees to develop a system,

57 approved by the commission, that allows patrons the option to prohibit the
58 excursion gambling boat licensee from using identifying information for
59 marketing purposes. The provisions of this subdivision shall apply only to
60 patrons giving identifying information for the first time. Such system shall be
61 submitted to the commission by October 1, 2000, and approved by the commission
62 by January 1, 2001. The excursion gambling boat licensee shall use identifying
63 information obtained from patrons who have elected to have marketing blocked
64 under the provisions of this section only for the purposes of enforcing the
65 requirements contained in sections 313.800 to 313.850. This section shall not
66 prohibit the commission from accessing identifying information for the purposes
67 of enforcing section 313.004 and sections 313.800 to 313.850;

68 (15) To determine which of the authorized gambling games will be
69 permitted on any licensed excursion gambling boat;

70 (16) Excursion gambling boats shall cruise, unless the commission finds
71 that the best interest of Missouri and the safety of the public indicate the need
72 for continuous docking of the excursion gambling boat in any city or county
73 authorized pursuant to subsection 10 of section 313.812. The commission shall
74 base its decision to allow continuously docked excursion gambling boats on any
75 of the following criteria: the docking location or the excursion cruise could cause
76 danger to the boat's passengers, violate federal law or the law of another state,
77 or cause disruption of interstate commerce or possible interference with railway
78 or barge transportation. In addition, the commission shall consider economic
79 feasibility or impact that would benefit land-based development and permanent
80 job creation. The commission shall not discriminate among applicants for
81 continuous-docking excursion gambling that are similarly situated with respect
82 to the criteria set forth in this section;

83 (17) The commission shall render a finding concerning the possibility of
84 continuous docking, as described in subdivision (15) of this section, within thirty
85 days after a hearing on any request from an applicant or licensee. Such hearing
86 may be held prior to any final action on licensing to assist an applicant and any
87 city or county in the finalizing of their economic development plan;

88 (18) To require any applicant for a license or renewal of a license to
89 operate an excursion gambling boat to provide an affirmative action plan which
90 has as its goal the use of best efforts to achieve maximum employment of
91 African-Americans and other minorities and maximum participation in the
92 procurement of contractual purchases of goods and services. This provision shall

93 be administered in accordance with all federal and state employment laws,
94 including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights
95 Act of 1991. At license renewal, the licensee will report on the effectiveness of
96 the plan. The commission shall include the licensee's reported information in its
97 annual report to the joint committee on gaming and wagering;

98 (19) To take any other action as may be reasonable or appropriate to
99 enforce sections 313.800 to 313.850 and the commission rules;

100 (20) To request that the Missouri state highway patrol
101 investigate or participate in such matters as it deems
102 necessary. Whether or not requested, the Missouri state highway patrol
103 shall have authority to investigate the commission relative to the
104 operation and administration of sections 313.800 to 313.850, and to
105 report suspected violations of state law or federal law by the
106 commission to the proper prosecuting authorities. In the event that a
107 violation of state law is reported to the proper prosecuting authority
108 and no prosecution is commenced within thirty days for alleged
109 violations, the attorney general shall have authority to commence
110 prosecution for alleged violations of sections 313.800 to 313.850, or
111 other criminal statutes alleged to have been violated.

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